

Search Warrant

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

In the Matter of the Search of

*(Briefly Describe the property to be searched or identify the person by name and address)*A black Samsung cellular telephone, model SM-S115DL, IMEI  
354229114064477

Case No. 21-8289MB

## SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of Arizona.  
(identify the person or describe the property to be searched and give its location):

As further described in Attachment A.

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):

As set forth in Attachment B.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

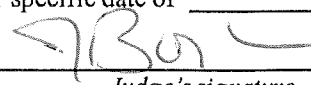
YOU ARE COMMANDED to execute this warrant on or before November 30, 2021.  
(not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10 p.m.☐ at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to any United States Magistrate Judge on criminal duty in the District of Arizona.

☐ I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) ☐ for 30 days (not to exceed 30)  
☐ until, the facts justifying, the later specific date of \_\_\_\_\_.

Date and time issued: 11/16/21 11:25A
  
Judge's signature
City and State: Phoenix, Arizona
Honorable John Z. Boyle, U.S. Magistrate Judge  
Printed name and title

**ATTACHMENT A**

*Property to be searched*

This warrant applies to the following:

1. Electronic device belonging to D.C., which was seized by the Federal Bureau of Investigation Special Agent Christopher Cortese on July 21, 2021. The device is currently stored at the FBI Phoenix Office, 21711 N. 7<sup>th</sup> Street, Phoenix, AZ 85024:

A black Samsung Galaxy A11 cellular phone. The cellular phone has a phone number: (480) 673-8174, model number: SM-S115DL, Serial Number: R95R206ZLSE, and an IMEI: 354229114064477.



**ATTACHMENT B**

*Property to be seized*

1 All records and communications relating to the violation of Title 18, United States Code, Sections 1153, 113(a)(3) (Assault with a Dangerous Weapon), and 113(a)(6) (Assault resulting in Serious Bodily Injury) from July 20, 2021 through July 21, 2021:

- a. Telephone numbers of incoming/outgoing calls stored in the call registry;
- b. Telephone numbers and corresponding names to those numbers stored in the cellular telephone's address book;
- c. Any incoming/outgoing text messages.

Application for a Search Warrant

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

In the Matter of the Search of

(Briefly Describe the property to be searched or identify the person by name and address)

A black Samsung cellular telephone, model SM-S115DL,  
IMEI 354229114064477

Case No. 21-8289 MB

## APPLICATION AND AFFIDAVIT FOR A SEARCH WARRANT

I, SA Christopher Cortese, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

As further described in Attachment A.

Located in the District of Arizona, there is now concealed (*identify the person or describe the property to be seized*):

As set forth in Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;  
☐ contraband, fruits of crime, or other items illegally possessed;  
☐ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code/Section

Offense Description

18 U.S.C. § 113(a)(3)

Assault with a dangerous weapon.

18 U.S.C. § 113(a)(6)

Assault resulting in serious bodily injury.

The application is based on these facts:

As set forth in Attachment C, incorporated herein by reference.

☒ Continued on the attached sheet.

☐ Delayed notice of \_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Reviewed by AUSA Thomas Simon <sup>TS</sup>

Christopher J. Cortese  
Applicant's Signature

Sworn Telephonically

Christopher J. Cortese, SA, FBI

Applicant's printed name and title

Date issued: 11/16/21 11:25A

JB  
Judge's signature

City and State: Phoenix, Arizona

Honorable John Z Boyle, U.S. Magistrate Judge  
Printed name and title



**ATTACHMENT A**

*Property to be searched*

This warrant applies to the following:

1. Electronic device belonging to D.C., which was seized by the Federal Bureau of Investigation Special Agent Christopher Cortese on July 21, 2021. The device is currently stored at the FBI Phoenix Office, 21711 N. 7<sup>th</sup> Street, Phoenix, AZ 85024:

A black Samsung Galaxy A11 cellular phone. The cellular phone has a phone number: (480) 673-8174, model number: SM-S115DL, Serial Number: R95R206ZLSE, and an IMEI: 354229114064477.



**ATTACHMENT B**

*Property to be seized*

1 All records and communications relating to the violation of Title 18, United States Code, Sections 1153, 113(a)(3) (Assault with a Dangerous Weapon), and 113(a)(6) (Assault resulting in Serious Bodily Injury) from July 20, 2021 through July 21, 2021:

- a. Telephone numbers of incoming/outgoing calls stored in the call registry;
- b. Telephone numbers and corresponding names to those numbers stored in the cellular telephone's address book;
- c. Any incoming/outgoing text messages.

**ELECTRONICALLY SUBMITTED AFFIDAVIT IN SUPPORT OF  
APPLICATION FOR A SEARCH WARRANT**

I, Christopher J. Cortese, a Special Agent with the Federal Bureau of Investigation ("FBI"), being duly sworn, depose and state as follows:

**INTRODUCTION**

1. I submit this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to examine the cellular telephone described in Attachment A, in order to collect the information described in Attachment B. There is probable cause to believe that the cellular telephone contains evidence of crimes, that is, RICKY BUTLER (BUTLER) an enrolled member of Salt River Pima-Maricopa Indian Community (SRPMIC), a federally recognized Indian Community, shot and seriously injured DARRELL CHIAGO (D.C.), within the boundaries of the SRPMIC, in Indian Country, in violations of Title 18, United States Code (USC), Sections 1153 and 113(a)(3), CIR-Assault with a Dangerous Weapon; and Title 18, USC Sections 1153 and 113(a)(6), CIR-Assault Resulting in Serious Bodily Injury .

**INTRODUCTION AND AGENT BACKGROUND**

2. I am a graduate of the FBI Academy in Quantico, VA. I have been employed with the FBI since December 2020. I am currently assigned to the FBI Phoenix Division and have primary investigative responsibility in Indian Country matters, to include, violent crimes, such as homicide, sexual assaults, and aggravated assaults.

3. I have been trained in various aspects of law enforcement, including searching and seizing of cellular telephones, other electronic devices, and property.

4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, officers, investigators, and witnesses. This affidavit is intended to show merely there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. I have set forth only the facts I believe are necessary to establish probable cause to believe that items listed in Attachment B, are located inside of or within the confines of D.C.'s cellular telephone, more fully described in Attachment A, and are evidence of BUTLER'S violations of Title 18, USC §§ 1153, 113(a)(3) and 113(a)(6).

**PROBABLE CAUSE**

5. On July 21, 2021, at approximately 12:32 a.m., officers from the Salt River Police Department (SRPD) responded to a 911 call made by Carmelita Santos Burke (C.B.) for a possible drive-by shooting within the exterior boundaries of the SRPMIC. C.B. reported to Salt River Police Communications that she and her boyfriend, heard multiple gunshots very close to their residence. SRPD units were dispatched to the area.

6. Upon arrival at the scene, a SRPD Officer located both a Native American male, identified as D.C., with multiple gunshot wounds and D.C.'s cousin, Angie Mills (A.M.) who had what appeared to be blood on her arms, legs, and clothes. D.C. was located near the residence at 10026 East Indian School Road Scottsdale, AZ, on the SRPMIC, just northwest of C.B.'s residence. After being shot, D.C. was assisted by A.M. until SRPD officers arrived on scene. D.C. reported to responding SRPD officers that he had been shot by BUTLER.



7. At approximately 12:42 a.m., Salt River paramedics arrived on scene, rendered aid to D.C., and transported him to Honor Health Hospital-Osborn, Scottsdale, AZ for further medical treatment. At this time, A.M. approached a SRPD Officer and reported that she had been using the bathroom of the residence at the time D.C. had been shot. A.M. stated she was in the bathroom for approximately ten to fifteen minutes and during that time she heard several loud gun shots. A.M. went outside and D.C. told her that he had been shot.

8. After D.C. and A.M. were transported to Hospital, Detective John Wyant (hereinafter Det. Wyant) walked the exterior of the crime scene with other responding officers. They noted ammunition casings as well as live rounds located on the ground along the driveway. They also noted red droplets believed to be blood. The red droplets were in a back-and-forth pattern leading to the only useable front door of the residence.

9. At approximately 5:04 a.m. an FBI Agent and Det. Wyant drove to Honor Health Hospital-Osborn to interview D.C. There, D.C. was being treated for serious injuries as a result of multiple gunshot wounds. D.C. was medicated but coherent and able to explain what happened during the incident. D.C. stated he had broken up with his girlfriend, Katlyn Medina (K.M.). K.M., however, had possession of his driver's license and bank card. K.M. had given both items to BUTLER. D.C. communicated with BUTLER through his cell phone using text messaging, that he, D.C., wanted his license and card returned. At one point in the messaging, D.C. was supposed to meet BUTLER at a park to fight. D.C. messaged BUTLER, however, that he didn't want to fight and only wanted his belongings returned.

D.C. reported that he was at the residence where the shooting occurred for approximately thirty minutes when A.M. told D.C. that BUTLER was outside and wanted to fight him. D.C. exited the residence to meet BUTLER. BUTLER exited the passenger side of a grey Nissan and walked towards D.C. D.C. stated that he asked BUTLER if BUTLER had D.C.'s driver's license and bank card. D.C. explained that was when BUTLER shot him. D.C. ran and fell because his pants had fallen down. After falling, D.C. stated Butler shot him a second time. D.C. didn't remember anything after that.

D.C. asked the interviewing agents if his cellphone had been recovered. D.C. then told the interviewing agents where his cellphone was located. Based on the information, D.C.'s cell phone was collected by a SRPD Crime Scene Specialist and subsequently transferred to the undersigned SA Cortese. D.C. then provided the passcode to unlock the cell phone. D.C., however, then verbally denied law enforcement consent to search his cellphone. The passcode given by D.C. was correct. SA Cortese used the passcode to unlock the cell phone to record the phone number, serial number, IMEI, and model number of the device. No search of the cell phone was conducted, however, as a consent to search was denied by D.C. The cell phone was subsequently put into airplane mode and locked. To reiterate, D.C. specifically explained that he was using his cell phone to text BUTLER, and BUTLER was texting D.C. using K.M.'s cellphone. D.C. then provided the interviewing agents with the passcode for his cellphone.

10. D.C.'s cell phone is currently in the possession of the FBI Phoenix Field Office at 21711 N. 7<sup>th</sup> Street, Phoenix, Arizona. In my training and experience, I know that the said cell phone has been stored in a manner in which the contents are, to the

extent material to this investigation, in substantially the same state as they were when the cell phone first came into the possession of the FBI.

### **Conclusion**

11. Based on my training and experience, consultation with other special agents and law enforcement officers, and all of the facts as set forth in this affidavit, there is sufficient probable cause to believe violations of Title 18, United States Code, Sections 1153 and 113(a)(1) and (2) (Assault With Intent to Commit Murder), 113(a)(3) (Assault with a Dangerous Weapon), and 113(a)(6) (Assault resulting in Serious Bodily Injury), have been committed, and evidence of those crimes will be found in D.C.'s cell phone described in this Affidavit and Attachment A. I believe that names, nicknames, and/or telephone numbers of other subjects involved in, and associated with the assault, as well as data describing the time, date, the duration of incoming and outgoing calls to the cell phone, incoming and outgoing text messages, and other electronic data as listed in Attachment B, will be located in D.C.'s cell phone. Wherefore, I respectfully request a warrant be issued authorizing Special Agents to examine, analyze, and make record of the contents of the information stored in D.C.'s seized cell phone described in this Affidavit and Attachment A, which is presently in the custody of the FBI.

This affidavit was sworn telephonically before a United States Magistrate Judge legally authorized to administer an oath for this purpose.

I declare under penalty of perjury under the laws of the United States of America  
that the foregoing is true and correct.

Dated: 11/15/2021

Christopher J. Cortese  
Special Agent Christopher J. Cortese  
Federal Bureau of Investigation

Subscribed and sworn to before me this 16<sup>th</sup> day of November 2021.

John Z. Boyle

Honorable John Z. Boyle  
United States Magistrate Judge  
District of Arizona